

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:  
  
AZ CLASS 1 SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**CLASS COUNSEL’S MEMORANDUM IN RESPONSE TO ASTRAZENECA’S  
MOTION FOR PARTIAL RECONSIDERATION OF THE COURT’S OCTOBER 2, 2008  
MEMORANDUM AND ORDER RE: REQUESTED FINAL APPROVAL OF THE  
ASTRAZENECA CLASS 1 SETTLEMENT**

Class Counsel believe that the original settlement embodied in the Settlement Agreement and Release of AstraZeneca dated May 21, 2007, the July 15, 2008, amendment thereto to treble the “Heartland” claims, and the Court’s latest request to increase trebling outside of the “Heartland” period are all fair and reasonable. Class Counsel, of course, believe that any increase in the amount of recovery provided to individual Class Members is beneficial. Under the Court’s latest proposal, the average payout per administration is estimated to be \$242.71. This is only a modest increase from the estimated average payout per administration of \$224.92 that claims administrator, Complete Claims Solutions, has calculated for trebling only the “Heartland” claims. Thus, the Court’s latest proposal would not result in any “windfall” to individual Class Members yet would increase the aggregate payout to Class 1 by \$1,368,226.24.

DATED: October 28, 2008.

By /s/ Steve W. Berman  
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**CLASS COUNSEL**

**CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **CLASS COUNSEL'S MEMORANDUM IN RESPONSE TO ASTRAZENECA'S MOTION FOR PARTIAL RECONSIDERATION OF THE COURT'S OCTOBER 2, 2008 MEMORANDUM AND ORDER RE: REQUESTED FINAL APPROVAL OF THE ASTRAZENECA CLASS 1 SETTLEMENT**, to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on October 28, 2008, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Steve W. Berman  
Steve W. Berman